DOCUMENT RESUME

ED 155 737 CS 502 067

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TITLE Free Speech and the Rights of Congress: Robert M. LaFollette and the Argument from Principle.
PUB DATE Apr 78
NOTE 31p.; Paper presented at the Annual Meeting of the Southern Speech Communication Association (Atlanta, Georgia, April 1978)

EDRS PRICE MF-$0.83 HC-$2.06 Plus Postage.
DESCRIPTORS *Civil Liberties; Democracy; *Dissent; Federal Government; *Freedom of Speech; *Persuasive Discourse; *Rhetorical Criticism; Social Values; Speeches; *United States History; War
IDENTIFIERS *LaFollette (Robert M); World War I

ABSTRACT

Senator Robert LaFollette's speech to the United States Senate on "Free Speech and the Right of Congress to Declare the Objects of War," given October 6, 1917, epitomized his opposition to the war and the Wilson administration's largely successful moves to suppress public criticism of the war. In the speech he asserted his position on the Congressional role in declaring and waging war, as stated in the United States Constitution. The speech stands as a political argument based on definition or principle, and it is a landmark in the history of public defense of the principles of free speech, representative democracy, and division of powers as manifested in the Constitution. (DS)

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Free Speech and the Rights of Congress: Robert M. LaFollette and the Argument from Principle

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> The surest lesson of history is that all governments are to some degree intolerable; yet resistance to one's own government has seldom met with applause. Law and philosophy offer few sanctions for it, even in nations that were born in revolution, because law's chief concern is for order, and philosophy's with enduring the unendurable.[1]

Such indeed is the lesson to be learned from the history of the United States. Though the United States was born in revolution, criticism of the government in this country, especially in times of significant crisis, has been met with oppression of basic freedoms, especially the freedoms of expression. In recent memory, for instance, dissent directed against our involvement in Southeast Asia and against social and economic conditions at home have been met with harsh reprisals by the government.[2] Although many of these activities were allegedly curtailed by the executive,[3] the sour taste of governmental intervention in rights long considered sacred lingers in the mouths of some.

The past decade was hardly unique, however, when considering infringement on personal freedoms by the federal government. Perhaps the most heinous era for such infringement, at least in retrospect, was the period of our involvement in World War I. This was the period in which the United States clearly shed her isolationist robes and moved to the forefront in world affairs. International involvement was military, and was carried out largely at the discretion of the President. In waging war, Woodrow Wilson also attempted to curtail expression of dissent. One man, Robert M. LaFollette, stood to address the rhetorical problem created by the Wilson Administration. As a senator from Wisconsin,

LaFollette's Congressional efforts during our involvement in World War I were consistently directed to the individual's role in the government and to the rights of Congress to make war. As will be argued later, LaFollette's speech in the Senate, "Free Speech and the Right of Congress to Declare the Objects of War,"[4] was an unusual response to an insufferable situation, a response which demonstrates a philosophical stance and which enacts LaFollette's opposition to that war and its infringements on individual rights. I shall attempt to demonstrate that LaFollette, in a speech which epitomized his position on the war, argued from definition or principle, according to the position explicated by Richard M. Weaver.[5]

The suppression of freedom during World War I seems more insidious not only because it involved a curtailment of rights by executive order, but because it involved legislation which, when whipped by war hysteria, gave the executive branch inordinate power to censor expression. Many legislative and executive measures were enacted,[6] but the most significant piece of anti-liberty legislation passed during the early days of our European involvement was the Espionage Act. Portions of the finalized Espionage Bill had been introduced on April 2, 1917, concurrent with President Wilson's request for a declaration of war. The Act was not passed until June 15, 1917, because it contained a censorship provision the American press opposed and which was finally defeated by the House in late May. With the defeat of this provision, the American press fell silent on the larger issue of the Espionage Act.

Many Congressional members apparently felt that the censorship provision contained the most harmful aspects of the bill. The Espionage Act gave the government power to suppress dissent against war.[9] Under its provisions, thousands were prosecuted; and over one thousand persons were convicted, including Eugene V. Debs, Socialist candidate for President in 1912.[10]

Freedom of expression is sacrosanct in a democratic society. "The appropriate region of human liberty," as John Stuart Mill argued,

> comprises, first the inward domain of consciousness; demanding liberty of conscience, in the most comprehensive sense; liberty of thought and feeling; absolute freedom of opinion and sentiment on all subjects, practical or speculative, scientific, moral or theological. The liberty of expressing and publishing opinions may seem to fall under a different principle, since it belongs to that part of the conduct of an individual which concerns other people; but, being almost of as much importance as the liberty of thought itself, and resting in great part on the same reasons, is practically inseparable from it.[11]

Mill explicates a fundamental human right, the right of freedom of expression on any issue so long as that expression does not interfere with the rights of other individuals within the society. LaFollette's position echoes Mill's.

LaFollette argued consistently throughout the first six months of World War I that the United States was involved against

the will of the people of this nation and that the war had been undertaken without proper Congressional involvement. For his actions against the war, LaFollette became a target of the government and the press; at one point, expulsion proceedings against LaFollette were being considered by the Senate for his remarks about the war.[12]

LaFollette used as the basis of his argument the inherent right of humans to express themselves on issues directly affecting their well-being. As Mill pointed out, the right of expression cannot be denied unless it interferes with the rights of others. This position was adopted by LaFollette, who addressed the issue of freedom of expression when he might have responded directly to charges leveled against himself. He had been denied the fundamental liberty of expression, but the larger issue was that many other citizens had also been dnied their rights. LaFollette's strategic choice, argument from principle, clearly established him as a humanist and an idealist, a man who chose to defend the rights of humanity before defending himself. By refusing to respond directly to the charges against him, by refusing to apologize, LaFollette placed himself in a position of spokesman for those who had suffered similar harassment. His rhetorical choice allowed him to address larger issues, issues of importance to all people. Compliance or complacency would have denied the tenets of freedom for which LaFollette argued.

LaFollette also argued that Congress had been omitted from decisions which were vital to the prosecution of World War I.

The basis for argument was from definition, arguments from the principles contained within the Constitution which clearly define the powers of the executive and legislative branches of government. He drew a link between the rights of the people and the rights of Congress, the link that is basic to representative democracy: that the people must be allowed openly and freely to discuss those issues which affect them so that Congress can legislate effectively. Neither right was being respected by the Wilson Administration; LaFollette chose to address both issues. He argued brilliantly for freedom of speech and for individual freedom; he associated the Congressional rights issue with the more basic issue of free speech. Both the right of free speech and the rights accorded to Congress are evident if one heeds the letter and spirit of the law. Both were limited by the Wilson Administration during World War I, however, and LaFollette's "Free Speech and the Right of Congress to Declare the Objects of the War"[13] can be viewed as a response to that situation.

The confrontation between the war faction and LaFollette was heightened in late September and early October of 1917. On September 20, 1917, LaFollette addressed the Nonpartisan League, a farm organization, in St. Paul, Minnesota. He chose to address the Convention concerning the right of Congress to participate in declaring the aims of war, but those managing the convention protested, so LaFollette spoke against our involvement in the war.[14] Stenographers recorded the speech in which LaFollette stated that

the United States had suffered grievances at the hands of Germany, but that he did not believe those acts by Germany justified our involvement in the war. In an Associated Press release, written by a St. Paul Pioneer Press correspondent, LaFollette was quoted as saying that we had no grievance against Germany.[15] This report prompted the Minnesota Public Safety Commission and Governor Joseph Burnquist to petition the United States Senate to expel LaFollette for his treasonous statements. Burnquist also considered arresting LaFollette under the provisions of the Espionage Act.[16]

For the two weeks following his St. Paul address, LaFollette was the center of national attention. The Senate Committee on Privileges and Elections received petitions and letters of support for expulsion from all over the nation. On October 4, LaFollette was hanged in effigy at Sheboygan, Wisconsin. The next day, Friday, October 5, the Committee met and decided to confine its investigation to the accuracy of Senator LaFollette's St. Paul speech. The Committee was to investigate during the Congressional recess, scheduled to begin October 6, and to return with its findings when Congress reconvened in December.[17]

Through an informal agreement with other Senate members, LaFollette was allowed three hours to speak, beginning at 10:00 a.m. on October 6. LaFollette's speech corresponded with the enactment of the Trading-with-the-Enemy Act, another executive measure designed to give the administration additional power over civil liberties.[18] The time of adjournment had been set at 3:00 p.m.

by the House of Representatives, but no action had been taken by the Senate. The resolution for adjournment was placed on the Vice President's desk and was not acted upon. This strategy assured LaFollette's opponents in the Senate the opportunity to respond to his speech. It was anticipated that LaFollette would refute the interpretation given the St. Paul speech and would answer the disloyalty charges leveled against him.[19]

Direct refutation was not to be the order of the day, however. LaFollette chose to address a larger issue--the rights of the people to discuss the workings of their government and the right of Congress to declare the aims of war. According to The New York Times, "The scene in the Senate was dramatic. The galleries were crowded. President Wilson and many military leaders were within hearing distance . . ."[20] David Thelan, in Robert LaFollette and the Insurgent Spirit, stated, "LaFollette tied his cause to that of millions of less prominent Americans whose right to free speech was being abolished."[21] At no time during the speech did LaFollette mention the St. Paul speech; he was addressing the issue of greater importance--the preservation of human and Constitutional liberties. He became the spokesman for free speech and Congressional rights. The speech was a statement of principle.

Coupled with the text of "Free Speech and the Right of Congress to Declare the Objects of the War," this background material has led me to conclude that LaFollette argued from definition in his October 6, 1917 address before the Senate.

Having been a victim of the outrage perpetrated by the government, LaFollette was a natural spokesman. It is interesting, however, that LaFollette chose to respond to the situation in the manner he did. The sole personal comment in the speech that did not relate to his work in the Senate was a disclaimer: "If I alone had been made victim of these attacks, I should not take one moment of the Senate's time for their consideration . . ."(7878,2) He transcended matters of a personal nature and argued for others who had similarly been victimized. He sought to right those wrongs, and in LaFollette's words,

> Neither the clamor of the mob nor the voice of power will ever turn me by the breadth of a hair from the course I mark out for myself, guided by such knowledge as I can obtain and controlled and directed by a solemn conviction of right and duty (7878,2). (Italics in the Congressional Record version of the speech)

His conviction was the belief that the war was being improperly prosecuted because the government was repressing the right of free speech and because Congress had not been properly included. His duty was to do everything in his power to alleviate those ills.

Choosing to address the larger issues of free speech and the rights of Congress was appropriate for LaFollette. As LaFollette's Senate record demonstrated, he willingly worked within the government to change those things which he felt were wrong.[22] He worked diligently to fight our involvement in the war, and

had done so guided by those principles from which he argued in "Free Speech and the Rights of Congress to Declare the Objects of the War." Although LaFollette opposed most of the war measures, particularly those which circumvented individual liberty, he supported measures which enhanced our war effort. This position was explicated in the text of "Free Speech." Speaking of the thousands of young men recruited for the war, he stated, "Nothing must be left undone for their protection. They must have the best army, ammunition, and equipment that money can buy. They must have the best training and the best officers which this great country can provide. The dependents and relatives they leave at home must be provided for, not meagerly, but generously so far as money can provide for them." (7885,2) These are not the words of a man totally opposed to our war efforts. They demonstrate that LaFollette was willing, in part at least, to prosecute the war under the appropriate circumstances, circumstances which allow Congress power to legislate where and when their duty demands.

LaFollette not only spoke of providing for the soldiers already in the foreign war, but he attempted to provide legislation for the protection of the families of those soldiers. He attempted to restructure the tax system, "to raise the largest possible amount of money from surplus incomes and war profits for this war and upon other measures to provide for the protection of the soldiers and their families." (7885,2) This revenue

measure was not successful, as might be expected, and the wealthy did not bear the burden of the war, but LaFollette was undaunted. As he stated,

> I did all that I could, and I shall continue to fight with all the power at my command until wealth is made to bear more of the burden of this war . . . We have not yet been able to muster the forces to conscript wealth, as we have conscripted men, but no one has ever been able to advance even a plausible argument for not doing so. (7886, 1)

In effect, LaFollette was arguing that he was as concerned with the war as were many others; but if the war was to be waged, it must be waged properly. He created the image of one concerned with the common people, of one who would work to provide for their needs. By so doing, LaFollette held himself up for inspection on the issues and invited critical appraisal. He showed himself to be principled, and his argument benefited fom it.

Both arguments, that for free speech and that for proper Congressional power, stem from principle. Both principles are fundamental to the democratic structure of the United States and explicated in the Constitution. Mill argued that freedom of speech is a fundamental liberty of all humanity and one which cannct be denied except as that freedom interferes with the freedoms of other individuals. The basic tenet of democracy involves the interaction of the citizen with the government. The two principles are interwoven philosophies of humanity and government.

Weaver argued that the argument from definition "includes all arguments from the nature of the thing,"[23] and that it "involves a philosophy of being, which has divided and probably will continue to divide mankind."[24] The division that Weaver cites seems to be a division between the idealist and the pragmatist. In this situation, LaFollette chose the ideal rather than the practical. He could have refuted the charges made against him or harangued against the Trading-with-the-Enemy Act; either would have been expedient. He chose to argue from principle, from the truth inherent in the thing itself. That principle inheres either in nature or in law, which may or may not be an inculcation of natural law into written law. Freedom of speech is a liberty which exists for all people, as Mill pointed out, regardless of the written law; but in our society it has also been inculcated into the Constitution. It would be fruitless to argue that the right of Congress to declare the objects of war is a natural right; it is, however, a right whose principle is contained in the Constitution itself and various other legislative and judicial interpretations of the Constitution, and one which is ideally determined by the citizens working with their representatives. LaFollette's argument for freedom of speech was grounded in principle; the argument for Congressional powers was less firmly grounded. Ideally, human choice should be guided by these principles. In World War I, however, expediency guided choice, and the repressive measures of the Wilson Administration bear witness to this denial of principle in favor of

what is felt to be necessary for the moment.[25]

After demonstrating that both American and British statesmen have opposed intervention in wars in their respective countries without harassment from the government, LaFollette concluded,

> The principle of free speech was no new doctrine born of the Constitution of the United States. Our Constitution merely declared the principle. It did not create it. It is a heritage of English-speaking peoples, which has been won by incalculable sacrifice, and which they must preserve so long as they hope to live as free men. (7881, 2)

This evidence demonstrated that the principle of free speech preceded the Constitution, that the right belongs to all. The inclusion of those statesmen who opposed previous military involvement, both British and American, demonstrated that opposition to such involvement is a right guaranteed to all people by their nature as humans. This is the position developed by Mill, and one to which LaFollette clings strongly. He stated,

> [It] is the right of the citizens of this country and their representatives in Congress to discuss in an orderly way frankly and publicly and without fear, from the platform and through the press, every important phase of this war: its causes, the manner

> in which it should be conducted, and the terms upon which peace should be made. . . I am contending, Mr. President, for the great fundamental right of the sovereign people of this country to make their voice heard . . . (7882, 2)

The administration had shackled the ability of the people and their representatives to engage in dialogue concerning these important questions. In effect, the administration had violated the fundamental tenet of democracy: the will of the people directs legislative assemblies to legislate and by extension of power, directs the executive branch to execute the laws.

Two key terms, "free speech" and the "rights of Congress," form the core of LaFollette's speech. He demonstrated that the two were alternatives to the status quo. LaFollette traced various American and British statesmen who exemplify freedom of speech in similar situations to support his contention that the status quo violated the principles of established precedence. American statesmen who, by example and word, expressed dissent and asserted freedom of speech in wartime included Henry Clay, Abraham Lincoln, Daniel Webster, Charles Sumner and Thomas Corwin, all of whom voiced opposition to the Mexican War. (7879, 1 to 7881, 1) He followed this analysis with "Discussion by English Statesmen," a chronology which began with British criticism of British involvement in the war with the American colonies and reached into the twentieth century. (7881, 1 & 2) The bulk of

LaFollette's argument for free speech was based on those who exemplify freedom of speech in circumstances similar to those in which LaFollette found himself. This demonstrated that the principle LaFollette espoused was not radically new, that the principle was an inherent right which had been and must be protected. This analysis was coupled with LaFollette's description that the fundamental principles of free speech have been inculcated into the Constitution. (7881, 2)

LaFollette also reduced to principle his argument concerning the rights of Congress to declare war. To fortify the argument, he used the same evidence used to establish the principle of freedom of speech. In introducing the evidence from these authorities, LaFollette stated,

> The authorities which I shall cite cover both the right of people to discuss the war in all its phases and the right and the duty of the people's representatives in Congress to declare the purposes and objects of the war. For the sake of brevity, I shall present these quotations together at this point instead of submitting them separately. (7879,1)

This statement may serve two distinct functions: it may ingratiate the audience by appealing to their sense of time; more importantly, it provides a lengthy, solidly constructed foundation upon which LaFollette built his later argument for appropriate Congressional power. This strategy may create expectations and directs the audience to consider the evidence in two distinct ways. The

analysis demonstrated the principle, but it also demonstrated the link between the long-lived right of free speech and the rights of Congress which were instituted by the Constitution.

From this foundation LaFollette expanded his argument for Congressional power using "Congressional principles," precedents based on the Constitution, and further authoritative support. (7883, 1 to 7884, 2) This extensive analysis included a review of Constitutional law by authorities who insist that the major power of the Executive in wartime is that of Commander-in-Chief. This power did not include the power to declare war or the objects of war; that power belongs solely to Congress. From the point of Constitutional authority, LaFollette moved to an analysis of Congressional treatment of the war-making power. Congressional intervention in the war-making power, according to their Constitutional mandate to intervene spanned the ninety years preceding our involvement in World War I. (7884, 1 & 2) LaFollette concluded that "As the nation's purposes in conducting this war are of supreme importance to the country, it is the supreme duty of Congress to exercise the function conferred upon it by the Constitution of guiding the foreign policy of the nation in the present crisis." (7885, 1) Despite this duty, attempts by those opposed to the prosecution of the war were considered "treason to our country and an effort to serve the enemy." (7884-2) This analysis was also based on principle, a principle which had been included in the Constitution as a

protection against the type of government power imbalance which had been experienced in England and on the Continent. The principle of a balance of power in the government is not one which is as extensive as is that of free speech, but it is nonetheless a principle fundamental to our government.

From the preceding analysis, it may appear that LaFollette was drawing a clear-cut distinction between the right of free speech and the right of Congress to declare the objects of war. This was not so. The analysis had been so presented as to identify clearly the two principles from which LaFollette was arguing. The link between the two key terms or concepts is evident; and it is vital to LaFollette's argument. That link is the relationship between the elected representative and his constituency, a relationship which "discusses in an orderly way frankly and publicly and without fear, from the platform and through the press, every important phase of this war. . . ." (7878, 1) Of Congress specifically, he stated, "Back of them is always the controlling sovereign power of the people, and when the people can make their will known, the faithful officer will obey that will." (7889, 1) And then, as LaFollette concluded, he asked, "Have the people no intelligent contribution to make to the solution of the problems of this war? I believe that they have and that in this matter, as in so many others, they may be wiser than their leaders, and that if left free to discuss the issues of the war they will find the correct settlement of these issues." (7886, 1) The decision on the issues ultimately rests

in the power of Congress. If that power is allowed to be properly exercised, Congress must be responsive to the wishes of its constituency.

Both principles are interrelated and demonstrate LaFollette's philosophy of humanity and government. Ideally, people have the right to discuss the workings of their government and by so doing influence the government. LaFollette's address was a statement of the principles and evidence he selected to establish the pervasive nature of both principles. Freedom of expression can exist without a government to protect that right, but a democratic government is not worthy of the name unless the people form the basis of the democracy. That the individual is the foundation for a democracy is not a new concept, but LaFollette's choice of argument when that concept was being threatened was important because it reaffirmed the principle of free speech and its relation to democracy at a time when both were threatened.

In effect, LaFollette established two interrelated hierarchies which should function within the democratic government of the United States. Each was related to the principles from which LaFollette argued. The individual is at the peak of this hierarchy in the protection of those rights which stem from the principle. As LaFollette stated,

> I think all men recognize that in time of war the citizen must surrender some rights for the common good which he is entitled to enjoy in time of peace.

> But, sir, the right to control their own government according to constitutional forms is not one of the rights that the citizens of the country are called upon to surrender in time of war. (7878, 2)(LaFollette's italics)

LaFollette was adamant that the voice of the people should be heard if the Congress was to perform its function properly. In this sense, Congress became the mediating agent between the people and the Executive Branch.

LaFollette juxtaposed the ideal hierarchy, evolved from principles of democracy and the Constitution, against the hierarchy the status quo had established for practical reasons.[26] The status quo, in LaFollette's eyes, placed the Executive Branch of government at the top of the hierarchy; it asked for legislation for repressive measures from Congress, obtained that legislation and enforced it. The people were excluded from the process and, as LaFollette illustrated, the citizen became suspect when opposing the repression. This hierarchy was clearly contradictory to the ideal which makes government the servant of the people.

LaFollette linked the principle of free speech, which is a highly individualistic freedom, to the rights of Congress, which of necessity must be societally oriented. This link gave the speech a strength which would have been lacking had he chosen to address either principle without the other. The individual

must have a voice in government whether that person is a Congressman or a shopkeeper. The representative is inexorably linked to the people and that link is strengthened by a free and open exchange between them. The link was threatened and broken during the Wilson Administration.

Audience was an important factor in LaFollette's "Free Speech" address. As I have mentioned, LaFollette had been scurrilously attacked following the misreported St. Paul speech. Throughout his battle with the Wilson Administration, LaFollette argued for freedom of expression and for the appropriate rights of Congress. He was not allowed to speak about Congressional rights at St. Paul, but he did address that issue in the Senate on October 6.[27] Although he had been charged with uttering treasonous statements by Governor Burnquist and faced expulsion from the Senate, it seems quite probable that the issues of free speech and the rights of Congress were more important to LaFollette than was his own career and that he might be expected to consider these issues when addressing the Senate.[28] Personal issues were relegated to a lesser position in favor of those with more general applicability; LaFollette tried to provide a sounding board for those who had no access to the podium or the press. His choice was an excellent one, for his audience was not only the Senate gallery gathered for the last day of the session, nor merely those few Senators who would sit in judgment on expulsion charges. Those countless citizens who were only fractionally represented by the

galleries, those who occasionally had to be gaveled into silence, comprised the larger audience that LaFollette addressed.[29] The speech seemed to be addressed in large part to those outside the Senate who LaFollette claimed were opposed to United States involvement in the war but who were not allowed to express their views due to the repressive measures implemented by the Wilson Administration.[30] In a sense, the speech was not only to those who had been denied fundamental human rights, but it was for those same people. It was their voice echoing through the Senate chamber and bringing the gallery to their feet. In the sense of Black's "second persona" LaFollette linked his implied audience to the ideology he espoused.[31]

LaFollette enacted a social philosophy which placed the individual at the summit of society and which demanded that the government be a servant of the individual. The right of free speech, for instance, whether an individual right or a collective of the rights of all people to speak freely, must be preserved; the preservation of individual rights is the paramount responsibility of the government. Without this social and political system and the foundation upon which it was developed, the United States would not have been founded and could not continue.

LaFollette argued throughout the address that when the government fails in its responsibility to the citizens, they have the right of protest. In World War I, however, that right was being denied. His argument was complex. The government was

waging a war contrary to the principles established by the Constitution and subsequent interpretations. Some citizens, including LaFollette, objected to the manner in which the war was being waged. These citizens were exercising free speech, and were being denied the right by legislation and Executive order. (7878) Citizens thus had the right to oppose this further denial of freedom, a freedom of natural right. Free speech and opposition to the war had been so effectively harnessed by the Wilson Administration that most citizens had no recourse but silence. Only a spokesman for those who had, in effect, been disenfranchised, could give that part of the people a voice in government. LaFollette attempted to accomplish this throughout our involvement in World War I, and particularly in his October 6, 1917 address to the Senate.

Both issues, free speech and the rights of Congress, were crucial then, as they are now. The argument for free speech speaks to all people in all times, and is in Mead's terms, "what is true for all (people) at all times."[32] The authorities which LaFollette used for support were statesmen of the highest order; they exemplified and argued for the principle of free speech, just as did LaFollette. They were people who, by mention of their names, evoke responses which may be nearly universal for English-speaking societies. LaFollette re-established for his audience the fundamental right of free speech and argued that the denial of that freedom during World War I was a serious

breach of a principle which should stand inviolate. A more impassioned plea could have been made, but LaFollette argued calmly and rationally.[33] Today the speech which addressed the basic tenets of democracy and their abuse is as worthy of praise for its illumination of those tenets as it should have been in 1917

If the speech can be viewed as directed outside the Senate to a larger audience, and if the implied audience shared an ideology with LaFollette, a discussion of freedom of speech was appropriate. The inclusion of the rights of Congress, which was an argument in and of itself can be viewed as support for retaining freedom of expression in pure form. LaFollette posited two distinct but intertwined arguments. The argument for free speech was based on a universal principle. The argument for the rights of Congress cannot be made strong except as it is linked to the more universal principle of free speech. The arguments, so intertwined, gain force, because in Weaver's words they have "as a term giving intelligibility to the whole discourse, the Good."[34] The basic tenets of democracy were exemplified in the discourse; those tenets were grounded in a philosophic ideal, free speech.

LaFollette was allotted three hours of the final session for his remarks. In fact, he spoke about two hours and the remaining time of the session was given to replies by Senators Kellog of Minnesota, Robinson of Arkansas, and Fall of New Mexico.[35] LaFollette stood virtually alone on the floor of the Senate that day. The galleries, however, were so supportive of

him that the Vice President had to gavel them to silence.[36] His opponents were less kind. Kellogg said, "LaFollette belongs either in jail or in Germany."[37] Similarly, Senator Fall argued, "There is today a practical revolution going on in various parts of the country . . . and . . . utterances which might be perfectly proper at one time . . . are not proper at the present time."[39] The only sign of sympathy LaFollette received from his colleagues was a handshake from Senator Vardaman of Mississippi.[40]

If LaFollette's address were to be judged based on its effects, it would be fairly insignificant. The Committee on Privileges and Elections continued its investigation of LaFollette and charges against him were not resolved until January 16, 1919, when he was exonerated.[41] Copies of the speech were sent to citizens "as preparation for an underground antiwar movement that would become public in time for the 1918 elections."[42] By election time, however, our involvement in World War I had diminished and other issues surfaced. Events evolved, perhaps spurred by LaFollette, which made antiwar activity less important.

LaFollette made a crucial rhetorical choice i addressing himself to the issues of free speech and the rights of Congress when he might have refuted charges brought against him by the State of Minnesota and the United States Senate. This choice was significant. Direct refutation of the charges could be interpreted as an admission of guilt. Transcendence of the charges demonstrated that LaFollette was not treasonous, that he was interested in the people and the nation. His classic

statement for the fundamental right of free speech echoed Mill and was expansive in its analysis of the rights of Congress. One may turn to Mill for explication of the principle of free speech and to the Constitution and its interpretations for an explication of the rights of Congress. The journey of the two issues in the United States is best viewed by close reading and deep appreciation of Robert M. LaFollette's "Free Speech and the Right of Congress to Declare the Objects of the War." He became the enactment of a philosophy espoused, and like Corwin, Clay, Webster, and Lincoln before him, a social critic who would not stand silent.

Endnotes

[1]Peter S. Prescott, "Paths of Glory," Newsweek, April 25, 1977, p. 92.

[2]"How the United States Army Spies on Citizens," Life, March 26, 1971, pp. 20-27. For a more recent example of the treatment of dissent in this nation, see Dennis A. Williams, Phyllis Malamud, Jeff B. Copeland, and William J. Cook, "The No-nuke Movement," Newsweek, May 23, 1977, pp. 25-26. Some 1,400 demonstrators against nuclear development in New Hampshire were "detained" en masse for their protests.

[3]President Gerald Ford asserted that certain domestic intelligence activities were curtailed. First Presidential Debate, 1976 Presidential Campaign, Subject: Domestic Issues, September 23, 1976.

[4]Congressional Record Vol. 55, part 8, 65th Congress (Senate), 1st Session, October 6, 1917, pp. 7878-7886. Subsequent references to the text will be cited parenthetically by page and column number.

[5]Richard M. Weaver, "Abraham Lincoln and the Argument from Definition," The Ethics of Rhetoric (Chicago: Henry Regnery Company, 1970), pp. 85-114.

[6]Harry N. Scheiber, The Wilson Administration and Civil Liberties: 1917-1921 (Ithaca: Cornell University Press, 1960), pp. 14-27. Scheiber examines the measures by the Wilson Administration to repress popular opinion against the war and to protect the nation against perceived threats to its security. These measures included an enemy alien registration provision, a loyalty program for government employees, and various censorship measures.

[7]Horace C. Peterson and Gilbert C. Fite, Opponents of War: 1917-1918 (Madison: The University of Wisconsin Press, 1957), p. 7.

[8]Scheiber, pp. 17-18.

[9]Peterson and Fite, p. 16, and Scheiber, p. 19.

[10]Scheiber, p. 19.

[11]John Stuart Mill, "On Liberty," Essential Works of John Stuart Mill, edited by Max Lerner (New York: Bantam Books, 1965), p. 265.

[12]David P. Thelan, Robert M. LaFollette and the Insurgent Spirit (Boston: Little, Brown, and Company, 1976), pp. 132-141. Thelan cites several actions directed against LaFollette, which included being removed from the filibuster list on the armed ship debate in March, 1917, personal condemnation by President Wilson, and numerous assaults by the press. The attempt to remove LaFollette from the Senate will be dealt with later.

[13]Thelan's analysis of the period and LaFollette's remarks on the rights of Congress indicate the pervasive influence of the Wilson Administration in limiting those rights. LaFollete's position was such that this response was appropriate.

[14]Philip F. LaFollette, Adventure in Politics: The Memoirs of Philip LaFollette (New York: Holt, Rinehart, and Winston, 1970), pp. 48-49.

[15]Ibid., p. 49.

[16]Thelan, p. 141.

[17]Fola LaFollette, Robert M. LaFollette, Volume II (New York: The MacMillan Company, 1953), p. 782.

[18]James R. Mock, Censorship: 1917 (Princeton: Princeton University Press, 1941), pp. 51-52.

[19]Fola LaFollette, p. 782.

[20]"LaFollette Says He Will Continue to Oppose the War," The New York Times, October 7, 1917, p. 1.

[21]Thelan, p. 141.

[22]Thelan, pp. 136-137, discusses LaFollette's efforts to distribute the cost of the war equally and his support of an alternate tax measure for support of the war.

[23]Weaver, p. 86.

[24]Ibid., p. 87.

[25]Weaver, "Edmund Burke and the Argument from Circumstance," Ethics, pp. 55-84. Weaver discusses the issue of expediency on page 57.

[26]It is evident that the repressive measures enacted by the Wilson Administration were guided by expediency.

[27]Philip LaFollette, pp. 48-49. That topic was dropped because of pressures from the convention management.

[28]LaFollette's opposition to the Wilson Administration's prosecution of the war was based on both issues. See Thelan, pp. 144-147.

[29]The text of the speech reveals that the galleries had to be gaveled to silence by the presiding officer.

[30]Thelan, pp. 145-147.

[31]Edwin Black, "The Second Persona," The Quarterly Journal of Speech, Volume 56, April, 1970, p. 113.

[32]George Herbert Mead, "A Behavioristic Account of the Significant Symbol," Journal of Philosophy, Volume 16, March 16, 1922, p. 162.

[33]Fola LaFollette, p. 783. "His manner was neither excited nor repressed. There was no sense of oratory or climax." Quite often LaFollette's speaking could be characterized as vehement. See Robert T. Oliver, History of Public Speaking in America (Boston: Allyn and Bacon, Inc., 1965), p. 507.

[34]Weaver, p. 23.

[35]The New York Times, October 7, 1917, p. 1.

[36]Thelan, p. 142.

[37]Ibid.

[38]Ibid.

[39]Ibid.

[40]The New York Times, October 7, 1917, p. 1.

[41]Peterson and Fite, p. 71.

[42]Thelan, pp. 142-143.